

112TH CONGRESS  
1ST SESSION

# S. 1701

To amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 13, 2011

Ms. SNOWE (for herself, Mr. NELSON of Florida, Mr. BEGICH, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Harmful Algal Blooms  
5       and Hypoxia Research and Control Amendments Act of  
6       2011”.

1 **SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HY-**  
2 **POXIA RESEARCH AND CONTROL ACT OF**  
3 **1998.**

4 Except as otherwise expressly provided, whenever in  
5 this Act an amendment or repeal is expressed in terms  
6 of an amendment to, or repeal of, a section or other provi-  
7 sion, the reference shall be considered to be made to a  
8 section or other provision of the Harmful Algal Bloom and  
9 Hypoxia Research and Control Act of 1998 (16 U.S.C.  
10 1451 note).

11 **SEC. 3. FINDINGS.**

12 Section 602 is amended to read as follows:

13 **“§ 602. Findings**

14 “Congress finds the following:

15 “(1) Harmful algal blooms and hypoxia—

16 “(A) are increasing in frequency and inten-  
17 sity in the Nation’s coastal waters and Great  
18 Lakes;

19 “(B) pose a threat to the health of coastal  
20 and Great Lakes ecosystems;

21 “(C) are costly to coastal economies; and

22 “(D) threaten the safety of seafood and  
23 human health.

24 “(2) Excessive nutrients in coastal waters have  
25 been linked to the increased intensity and frequency  
26 of hypoxia and some harmful algal blooms. There is

1 a need to identify more workable and effective ac-  
2 tions to reduce the negative impacts of harmful algal  
3 blooms and hypoxia on coastal waters.

4 “(3) The National Oceanic and Atmospheric  
5 Administration, through its ongoing research, moni-  
6 toring, observing, education, grant, and coastal re-  
7 source management programs and in collaboration  
8 with the other Federal agencies on the Inter-Agency  
9 Task Force on Harmful Algal Blooms and Hypoxia,  
10 along with States, Indian tribes, and local govern-  
11 ments, possesses the capabilities necessary to sup-  
12 port a near and long-term comprehensive effort to  
13 prevent, reduce, and control the human and environ-  
14 mental costs of harmful algal blooms and hypoxia.

15 “(4) Increases in nutrient loading from point  
16 and nonpoint sources can trigger and exacerbate  
17 harmful algal blooms and hypoxia. Since much of  
18 the increases originate in upland areas and are deliv-  
19 ered to marine and freshwater bodies via river dis-  
20 charge, integrated and landscape-level research and  
21 control strategies are required.

22 “(5) Harmful algal blooms and hypoxia affect  
23 many sectors of the coastal economy, including tour-  
24 ism, public health, and recreational and commercial  
25 fisheries. According to a recent report produced by

1 the National Oceanic and Atmospheric Administra-  
2 tion, the United States seafood, restaurant, and  
3 tourism industries suffer estimated annual losses of  
4 at least \$82,000,000 due to the economic impacts of  
5 harmful algal blooms.

6 “(6) The proliferation of harmful and nuisance  
7 algae can occur in all United States waters, includ-  
8 ing coastal areas (such as estuaries), the Great  
9 Lakes, and inland waterways, crossing political  
10 boundaries and necessitating regional coordination  
11 for research, monitoring, mitigation, response, and  
12 prevention efforts.

13 “(7) Federally funded and other research has  
14 led to several technological advances, including re-  
15 mote sensing, molecular and optical tools, satellite  
16 imagery, and coastal and ocean observing systems,  
17 that—

18 “(A) provide data for forecast models;

19 “(B) improve the monitoring and pre-  
20 diction of these events; and

21 “(C) provide essential decision making  
22 tools for managers and stakeholders.”.

23 **SEC. 4. PURPOSES.**

24 The Act is amended by inserting after section 602  
25 the following:

1 **“§ 602A. Purposes**

2 “The purposes of this title are—

3 “(1) to provide for the development and coordi-  
 4 nation of a comprehensive and integrated national  
 5 program to address harmful algal blooms and hy-  
 6 poxia through baseline research, monitoring, preven-  
 7 tion, mitigation, and control;

8 “(2) to provide for the assessment of environ-  
 9 mental, socioeconomic, and human health impacts of  
 10 harmful algal blooms and hypoxia on a regional and  
 11 national scale, and to integrate this assessment into  
 12 marine and freshwater resource decisions; and

13 “(3) to facilitate regional, State, tribal, and  
 14 local efforts to develop and implement appropriate  
 15 harmful algal bloom and hypoxia response plans,  
 16 strategies, and tools, including outreach programs  
 17 and information dissemination mechanisms.”.

18 **SEC. 5. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL**  
 19 **BLOOMS AND HYPOXIA.**

20 Section 603(a) is amended—

21 (1) by striking “the following representatives  
 22 from” and inserting “a representative from”;

23 (2) in paragraph (11), by striking “and”;

24 (3) by redesignating paragraph (12) as para-  
 25 graph (13);

1 (4) by inserting after paragraph (11) the fol-  
 2 lowing:

3 “(12) The Centers for Disease Control; and”;  
 4 and  
 5 (5) in paragraph (13), as redesignated, by  
 6 striking “such”.

7 **SEC. 6. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA**  
 8 **PROGRAM.**

9 The Act is amended by inserting after section 603  
 10 the following:

11 **“§ 603A. National harmful algal bloom and hypoxia**  
 12 **program**

13 “(a) ESTABLISHMENT.—Except as provided in sub-  
 14 section (d), the Under Secretary, acting through the Task  
 15 Force established under section 603, shall establish and  
 16 maintain a national harmful algal bloom and hypoxia pro-  
 17 gram.

18 “(b) ACTION STRATEGY.—

19 “(1) IN GENERAL.—Not later than 1 year after  
 20 the date of enactment of the Harmful Algal Blooms  
 21 and Hypoxia Research and Control Amendments Act  
 22 of 2011, the Task Force shall develop a national  
 23 harmful algal blooms and hypoxia action strategy  
 24 that—

1                   “(A) is consistent with the purposes under  
2                   section 602A;

3                   “(B) includes a statement of goals and ob-  
4                   jectives; and

5                   “(C) includes an implementation plan.

6                   “(2) PUBLICATION.—Not later than 30 days  
7                   after the date that the action strategy is developed,  
8                   the Task Force shall—

9                   “(A) submit the action strategy to Con-  
10                  gress; and

11                  “(B) publish the action strategy in the  
12                  Federal Register.

13                  “(3) PERIODIC REVISION.—The Task Force  
14                  shall periodically review and revise the action strat-  
15                  egy, as necessary.

16                  “(c) TASK FORCE FUNCTIONS.—The Task Force  
17                  shall—

18                  “(1) coordinate interagency review of plans and  
19                  policies of the Program;

20                  “(2) assess interagency work and spending  
21                  plans for implementing the activities of the Pro-  
22                  gram;

23                  “(3) review the Program’s distribution of Fed-  
24                  eral grants and funding to address research prior-  
25                  ities;

1           “(4) support the implementation of the actions  
2           and strategies identified in the regional research and  
3           action plans under section 603B;

4           “(5) support the development of institutional  
5           mechanisms and financial instruments to further the  
6           goals of the Program;

7           “(6) coordinate and integrate the research of all  
8           Federal programs, including ocean and Great Lakes  
9           science and management programs and centers, that  
10          address the chemical, biological, and physical compo-  
11          nents of marine and freshwater harmful algal  
12          blooms and hypoxia;

13          “(7) expedite the interagency review process by  
14          ensuring timely review and dispersal of required re-  
15          ports and assessments under this title;

16          “(8) promote the development of new tech-  
17          nologies for predicting, monitoring, and mitigating  
18          harmful algal blooms and hypoxia conditions; and

19          “(9) establish such interagency working groups  
20          as it considers necessary.

21          “(d) LEAD FEDERAL AGENCY.—The National Oce-  
22          anic and Atmospheric Administration shall have primary  
23          responsibility for administering the Program.

24          “(e) PROGRAM DUTIES.—In administering the Pro-  
25          gram, the Under Secretary shall—



1           “(1) develop and promote a national strategy to  
2       understand, detect, predict, control, mitigate, and  
3       respond to marine and freshwater harmful algal  
4       bloom and hypoxia events;

5           “(2) prepare work and spending plans for im-  
6       plementing the activities of the Program and devel-  
7       oping and implementing the regional research and  
8       action plans;

9           “(3) administer merit-based, competitive grant  
10      funding—

11           “(A) to support the projects maintained  
12      and established by the Program; and

13           “(B) to address the research and manage-  
14      ment needs and priorities identified in the re-  
15      gional research and action plans;

16           “(4) coordinate and work cooperatively with re-  
17      gional, State, tribal, and local government agencies  
18      and programs that address marine and freshwater  
19      harmful algal blooms and hypoxia;

20           “(5) coordinate with the Secretary of State to  
21      support international efforts on marine and fresh-  
22      water harmful algal bloom and hypoxia information  
23      sharing, research, mitigation, control, and response  
24      activities;

1           “(6) identify additional research, development,  
2           and demonstration needs and priorities relating to  
3           monitoring, prevention, control, mitigation, and re-  
4           sponse to marine and freshwater harmful algal  
5           blooms and hypoxia, including methods and tech-  
6           nologies to protect the ecosystems affected by ma-  
7           rine and freshwater harmful algal blooms and hy-  
8           poxia;

9           “(7) integrate, coordinate, and augment exist-  
10          ing education programs to improve public under-  
11          standing and awareness of the causes, impacts, and  
12          mitigation efforts for marine and freshwater harmful  
13          algal blooms and hypoxia;

14          “(8) facilitate and provide resources to train  
15          State and local coastal and water resource managers  
16          in the methods and technologies for monitoring, con-  
17          trolling, and mitigating marine and freshwater  
18          harmful algal blooms and hypoxia;

19          “(9) support regional efforts to control and  
20          mitigate outbreaks through—

21               “(A) communication of the contents of the  
22               regional research and action plans and mainte-  
23               nance of online data portals for other informa-  
24               tion about harmful algal blooms and hypoxia to

1 State and local stakeholders within the region  
2 for which each plan is developed; and

3 “(B) overseeing the development, review,  
4 and periodic updating of regional research and  
5 action plans;

6 “(10) convene at least 1 meeting of the Task  
7 Force each year; and

8 “(11) perform such other tasks as may be dele-  
9 gated by the Task Force.

10 “(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-  
11 ISTRATION ACTIVITIES.—The Under Secretary shall—

12 “(1) maintain and enhance the existing com-  
13 petitive programs at the National Oceanic and At-  
14 mospheric Administration relating to marine and  
15 freshwater algal blooms and hypoxia;

16 “(2) carry out marine and Great Lakes harmful  
17 algal bloom and hypoxia events response activities;

18 “(3) establish new programs and infrastructure,  
19 as necessary, to develop and enhance the critical ob-  
20 servations, monitoring, modeling, data management,  
21 information dissemination, and operational forecasts  
22 required to meet the purposes under section 602A;

23 “(4) enhance communication and coordination  
24 among Federal agencies carrying out marine and

1        freshwater harmful algal bloom and hypoxia activi-  
2        ties; and

3            “(5) increase the availability to appropriate  
4        public and private entities of—

5            “(A) analytical facilities and technologies;

6            “(B) operational forecasts; and

7            “(C) reference and research materials.

8        “(g) COOPERATIVE EFFORTS.—The Under Secretary  
9        shall work cooperatively and avoid duplication of effort  
10       with other offices, centers, and programs within the Na-  
11       tional Oceanic and Atmospheric Administration, other  
12       agencies on the Task Force, and States, tribes, and non-  
13       governmental organizations concerned with marine and  
14       freshwater issues to coordinate harmful algal blooms and  
15       hypoxia (and related) activities and research.

16       “(h) FRESHWATER PROGRAM.—With respect to the  
17       freshwater aspects of the Program, except for those as-  
18       pects occurring in the Great Lakes, the Administrator of  
19       the Environmental Protection Agency, in consultation  
20       with the Under Secretary, through the Task Force,  
21       shall—

22            “(1) carry out the duties assigned to the Under  
23        Secretary under this section and section 603B, in-  
24        cluding the activities under subsection (g);

1           “(2) research the ecology of freshwater harmful  
2       algal blooms;

3           “(3) monitor and respond to freshwater harm-  
4       ful algal blooms events in lakes (except for the Great  
5       Lakes), rivers, and reservoirs;

6           “(4) mitigate and control freshwater harmful  
7       algal blooms; and

8           “(5) recommend the amount of funding re-  
9       quired to carry out subsection (g) for inclusion in  
10      the President’s annual budget request to Congress.

11      “(i) INTEGRATED COASTAL AND OCEAN OBSERVA-  
12      TION SYSTEM.—The collection of monitoring and observa-  
13      tion data under this title shall comply with all data stand-  
14      ards and protocols developed pursuant to the Integrated  
15      Coastal and Ocean Observation System Act of 2009 (33  
16      U.S.C. 3601 et seq.). Such data shall be made available  
17      through the system established under that Act.”.

18      **SEC. 7. REGIONAL RESEARCH AND ACTION PLANS.**

19      The Act, as amended by section 6 of this Act, is fur-  
20      ther amended by inserting after section 603A the fol-  
21      lowing:

22      **“§ 603B. Regional research and action plans**

23      “(a) IN GENERAL.—In administering the Program,  
24      the Under Secretary shall—

1           “(1) identify appropriate regions and sub-  
2           regions to be addressed by each regional research  
3           and action plan; and

4           “(2) oversee the development and implementa-  
5           tion of the regional research and action plans.

6           “(b) PLAN DEVELOPMENT.—The Under Secretary  
7           shall—

8           “(1) develop and submit to the Task Force for  
9           approval a regional research and action plan for  
10          each region, that builds upon any existing State or  
11          regional plans the Under Secretary considers appro-  
12          priate; and

13          “(2) identify appropriate elements for each re-  
14          gion, including—

15               “(A) baseline ecological, social, and eco-  
16               nomic research needed to understand the bio-  
17               logical, physical, and chemical conditions that  
18               cause, exacerbate, and result from harmful  
19               algal blooms and hypoxia;

20               “(B) regional priorities for ecological and  
21               socio-economic research on issues related to and  
22               impacts of harmful algal blooms and hypoxia;

23               “(C) research, development, and dem-  
24               onstration activities needed to develop and ad-  
25               vance technologies and techniques—

1 “(i) for minimizing the occurrence of  
2 harmful algal blooms and hypoxia; and

3 “(ii) for improving capabilities to pre-  
4 dict, monitor, prevent, control, and miti-  
5 gate harmful algal blooms and hypoxia;

6 “(D) State, tribal, and local government  
7 actions that may be implemented—

8 “(i) to support long-term monitoring  
9 efforts and emergency monitoring as need-  
10 ed;

11 “(ii) to minimize the occurrence of  
12 harmful algal blooms and hypoxia;

13 “(iii) to reduce the duration and in-  
14 tensity of harmful algal blooms and hy-  
15 poxia in times of emergency;

16 “(iv) to address human health dimen-  
17 sions of harmful algal blooms and hypoxia;  
18 and

19 “(v) to identify and protect vulnerable  
20 ecosystems that could be, or have been, af-  
21 fected by harmful algal blooms and hy-  
22 poxia;

23 “(E) mechanisms by which data, informa-  
24 tion, and products are transferred between the

1           Program and State, tribal, and local govern-  
2           ments and research entities;

3                 “(F) communication, outreach and infor-  
4           mation dissemination efforts that State, tribal,  
5           and local governments and stakeholder organi-  
6           zations can take to educate and inform the pub-  
7           lic about harmful algal blooms and hypoxia and  
8           alternative coastal resource-utilization opportu-  
9           nities that are available; and

10                “(G) the roles that Federal agencies can  
11           play to facilitate implementation of the regional  
12           research and action plan for that region.

13           “(c) CONSULTATION.—In developing a regional re-  
14   search and action plan under this section, the Under Sec-  
15   retary shall—

16                “(1) coordinate with State coastal management  
17           and planning officials;

18                “(2) coordinate with tribal resource manage-  
19           ment officials;

20                “(3) coordinate with water management and  
21           watershed officials from coastal States and non-  
22           coastal States with water sources that drain into  
23           water bodies affected by harmful algal blooms and  
24           hypoxia;



1 “(4) coordinate with the Administrator and  
2 other Federal agencies as the Under Secretary con-  
3 siders appropriate; and

4 “(5) consult with—

5 “(A) public health officials;

6 “(B) emergency management officials;

7 “(C) science and technology development  
8 institutions;

9 “(D) economists;

10 “(E) industries and businesses affected by  
11 marine and freshwater harmful algal blooms  
12 and hypoxia;

13 “(F) scientists, with expertise concerning  
14 harmful algal blooms or hypoxia, from academic  
15 or research institutions; and

16 “(G) other stakeholders.

17 “(d) BUILDING ON AVAILABLE STUDIES AND INFOR-  
18 MATION.—In developing a regional research and action  
19 plan under this section, the Under Secretary shall—

20 “(1) utilize and build on existing research, as-  
21 sessments, reports, including those carried out under  
22 existing law, and other relevant sources; and

23 “(2) consider the impacts, research, and exist-  
24 ing program activities of all United States coastlines  
25 and fresh and inland waters, including the Great

1 Lakes, the Chesapeake Bay, estuaries, and tribu-  
2 taries.

3 “(e) SCHEDULE.—The Under Secretary shall—

4 “(1) begin developing the regional research and  
5 action plans for at least a third of the regions not  
6 later than 9 months after the date of the enactment  
7 of the Harmful Algal Blooms and Hypoxia Research  
8 and Control Amendments Act of 2011;

9 “(2) begin developing the regional research and  
10 action plans for at least another third of the regions  
11 not later than 21 months after the date of the enact-  
12 ment of the Harmful Algal Blooms and Hypoxia Re-  
13 search and Control Amendments Act of 2011;

14 “(3) begin developing the regional research and  
15 action plans for the remaining regions not later than  
16 33 months after the date of the enactment of the  
17 Harmful Algal Blooms and Hypoxia Research and  
18 Control Amendments Act of 2011; and

19 “(4) ensure that each regional research and ac-  
20 tion plan developed under this section is—

21 “(A) completed and approved by the Task  
22 Force not later than 12 months after the date  
23 that development of the regional research and  
24 action plan begins; and

1           “(B) updated not less than once every 5  
2           years after the completion of the regional re-  
3           search and action plan.

4           “(f) FUNDING.—

5           “(1) IN GENERAL.—Subject to available appro-  
6           priations, the Under Secretary shall make funding  
7           available to eligible organizations to implement the  
8           research, monitoring, forecasting, modeling, and re-  
9           sponse actions included under each approved re-  
10          gional research and action plan. The Program shall  
11          select recipients through a merit-based, competitive  
12          process and seek to fund research proposals that  
13          most effectively align with the research priorities  
14          identified in the relevant regional research and ac-  
15          tion plan.

16          “(2) APPLICATION; ASSURANCES.—An organi-  
17          zation seeking funding under this subsection shall  
18          submit an application to the Program at such time,  
19          in such form and manner, and containing such in-  
20          formation and assurances as the Program may re-  
21          quire. The Program shall require each eligible orga-  
22          nization receiving funds under this subsection to uti-  
23          lize the mechanisms under subsection (b)(2)(E) to  
24          ensure the transfer of data and products developed  
25          under the regional research and action plan.

1           “(3) ELIGIBLE ORGANIZATION.—In this sub-  
2           section, the term ‘eligible organization’ means—

3                   “(A) an institution of higher education,  
4                   other non-profit organization, State, tribal, or  
5                   local government, commercial organization, or  
6                   Federal agency that meets the requirements of  
7                   this section and such other requirements as  
8                   may be established by the Under Secretary; and

9                   “(B) with respect to nongovernmental or-  
10                  ganizations, an organization that is subject to  
11                  regulations promulgated or guidelines issued to  
12                  carry out this section, including United States  
13                  audit requirements that are applicable to non-  
14                  governmental organizations.”.

15   **SEC. 8. REPORTING.**

16           Section 603 is amended by adding at the end the fol-  
17   lowing:

18           “(j) REPORT.—Not later than 2 years after the sub-  
19   mission of the action strategy under section 603A, the  
20   Under Secretary shall submit a report to the appropriate  
21   congressional committees that describes—

22                   “(1) the proceedings of the annual Task Force  
23   meetings;

1           “(2) the activities carried out under the Pro-  
2           gram and the regional research and action plans,  
3           and the budget related to the activities;

4           “(3) the progress made on implementing the ac-  
5           tion strategy; and

6           “(4) any need to revise or terminate activities  
7           or projects under the Program.

8           “(k) PROGRAM REPORT.—Not later than 5 years  
9           after the date of enactment of the Harmful Algal Blooms  
10          and Hypoxia Research and Control Amendments Act of  
11          2011, the Task Force shall submit a report on harmful  
12          algal blooms and hypoxia in marine and freshwater sys-  
13          tems to Congress that—

14               “(1) evaluates the state of scientific knowledge  
15               of harmful algal blooms and hypoxia in marine and  
16               freshwater systems, including their causes and eco-  
17               logical consequences;

18               “(2) evaluates the social and economic impacts  
19               of harmful algal blooms and hypoxia, including their  
20               impacts on coastal communities, and reviews those  
21               communities’ efforts and associated economic costs  
22               related to event forecasting, planning, mitigation, re-  
23               sponse, public outreach, and education;

1           “(3) examines and evaluates the human health  
2           impacts of harmful algal blooms and hypoxia, includ-  
3           ing any gaps in existing research;

4           “(4) describes advances in capabilities for moni-  
5           toring, forecasting, modeling, control, mitigation,  
6           and prevention of harmful algal blooms and hypoxia,  
7           including techniques for integrating landscape- and  
8           watershed-level water quality information into ma-  
9           rine and freshwater harmful algal bloom and hy-  
10          poxia prevention and mitigation strategies at Fed-  
11          eral and regional levels;

12          “(5) evaluates progress made by, and the needs  
13          of, Federal, regional, State, tribal, and local policies  
14          and strategies for forecasting, planning, mitigating,  
15          preventing, and responding to harmful algal blooms  
16          and hypoxia, including the economic costs and bene-  
17          fits of the policies and strategies;

18          “(6) includes recommendations for integrating,  
19          improving, and funding future Federal, regional,  
20          State, tribal, and local policies and strategies for  
21          preventing and mitigating the occurrence and im-  
22          pacts of harmful algal blooms and hypoxia;

23          “(7) describes communication, outreach, and  
24          education efforts to raise public awareness of harm-

1       ful algal blooms and hypoxia, their impacts, and the  
2       methods for mitigation and prevention;

3               “(8) describes extramural research activities  
4       carried out under section 605(b); and

5               “(9) specifies how resources were allocated be-  
6       tween intramural and extramural research and man-  
7       agement activities, including a justification for each  
8       allocation.”.

9   **SEC. 9. NORTHERN GULF OF MEXICO HYPOXIA.**

10       Section 604 is amended to read as follows:

11   **“SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.**

12       “(a) TASK FORCE INITIAL PROGRESS REPORTS.—  
13   Beginning not later than 12 months after the date of en-  
14   actment of the Harmful Algal Blooms and Hypoxia Re-  
15   search and Control Amendments Act of 2011, and every  
16   2 years thereafter, the Administrator, through the Mis-  
17   sissippi River/Gulf of Mexico Watershed Nutrient Task  
18   Force, shall submit a progress report to the appropriate  
19   congressional committees and the President that describes  
20   the progress made by Task Force-directed activities car-  
21   ried out or funded by the Environmental Protection Agen-  
22   cy and other State and Federal partners toward attain-  
23   ment of the goals of the Gulf Hypoxia Action Plan 2008.

24       “(b) CONTENTS.—Each report required under this  
25   section shall—

1           “(1) assess the progress made toward nutrient  
2           load reductions, the response of the hypoxic zone  
3           and water quality throughout the Mississippi/  
4           Atchafalaya River Basin, and the economic and so-  
5           cial effects;

6           “(2) evaluate lessons learned; and

7           “(3) recommend appropriate actions to continue  
8           to implement or, if necessary, revise the strategy set  
9           forth in the Gulf Hypoxia Action Plan 2008.”.

10 **SEC. 10. INTERAGENCY FINANCING.**

11           The Act, as amended by section 9 of this Act, is fur-  
12           ther amended by inserting after section 604 the following:

13 **“SEC. 604A. INTERAGENCY FINANCING.**

14           “The departments and agencies represented on the  
15           Task Force may participate in interagency financing and  
16           share, transfer, receive, obligate, and expend funds appro-  
17           priated to any member of the Task Force for the purposes  
18           of carrying out any administrative or programmatic  
19           project or activity under this title, including support for  
20           the Program, a common infrastructure, information shar-  
21           ing, and system integration for harmful algal bloom and  
22           hypoxia research, monitoring, forecasting, prevention, and  
23           control. Funds may be transferred among such depart-  
24           ments and agencies through an appropriate instrument  
25           that specifies the goods, services, or space being acquired



1 from another Task Force member and the costs of the  
 2 goods, services, and space. The amount of funds  
 3 transferrable under this section for any fiscal year may  
 4 not exceed 5 percent of the account from which such  
 5 transfer was made.”.

6 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 605 is amended to read as follows:

8 **“§ 605. Authorization of appropriations**

9 “(a) IN GENERAL.—There are authorized to be ap-  
 10 propriated, for each of the fiscal years 2011 through 2015  
 11 to the Under Secretary to carry out sections 603A and  
 12 603B, \$30,000,000, of which—

13 “(1) \$2,000,000 may be used for the develop-  
 14 ment of regional research and action plans and the  
 15 reports required under section 603B;

16 “(2) \$3,000,000 may be used for the research  
 17 and assessment activities related to marine and  
 18 freshwater harmful algal blooms at the National  
 19 Oceanic and Atmospheric Administration research  
 20 laboratories;

21 “(3) \$7,000,000 may be used to carry out the  
 22 Ecology and Oceanography of Harmful Algal  
 23 Blooms Program (ECOHAB);

1           “(4) \$4,500,000 may be used to carry out the  
2       Monitoring and Event Response for Harmful Algal  
3       Blooms Program (MERHAB);

4           “(5) \$1,500,000 may be used to carry out the  
5       Northern Gulf of Mexico Ecosystems and Hypoxia  
6       Assessment Program (NGOMEX);

7           “(6) \$4,000,000 may be used to carry out the  
8       Coastal Hypoxia Research Program (CHRP);

9           “(7) \$4,000,000 may be used to carry out the  
10      Prevention, Control, and Mitigation of Harmful  
11      Algal Blooms Program (PCM);

12          “(8) \$1,000,000 may be used to carry out the  
13      Event Response Program; and

14          “(9) \$3,000,000 may be used to carry out the  
15      Infrastructure Program.

16      “(b) EXTRAMURAL RESEARCH ACTIVITIES.—The  
17      Under Secretary shall ensure that a substantial portion  
18      of funds appropriated pursuant to subsection (a) that are  
19      used for research purposes are allocated to extramural re-  
20      search activities.”.

21      **SEC. 12. DEFINITIONS; CONFORMING AMENDMENT.**

22      (a) IN GENERAL.—The Act is amended by inserting  
23      after section 605 the following:

24      **“§ 605A. Definitions**

25          “In this title:

1           “(1) ADMINISTRATOR.—The term ‘Adminis-  
2           trator’ means the Administrator of the National  
3           Oceanic and Atmospheric Administration.

4           “(2) HARMFUL ALGAL BLOOM.—The term  
5           ‘harmful algal bloom’ means marine and freshwater  
6           phytoplankton that proliferate to high concentra-  
7           tions, resulting in nuisance conditions or harmful  
8           impacts on marine and aquatic ecosystems, coastal  
9           communities, and human health through the produc-  
10          tion of toxic compounds or other biological, chemical,  
11          and physical impacts of the algae outbreak.

12          “(3) HYPOXIA.—The term ‘hypoxia’ means a  
13          condition where low dissolved oxygen in aquatic sys-  
14          tems causes stress or death to resident organisms.

15          “(4) PROGRAM.—The term ‘Program’ means  
16          the National Harmful Algal Bloom and Hypoxia  
17          Program established under section 603A.

18          “(5) REGIONAL RESEARCH AND ACTION  
19          PLAN.—The term ‘regional research and action plan’  
20          means a plan established under section 603B.

21          “(6) STATE.—The term ‘State’ means each of  
22          the several States of the United States, the District  
23          of Columbia, the Commonwealth of Puerto Rico, the  
24          Virgin Islands, Guam, American Samoa, the Com-  
25          monwealth of the Northern Mariana Islands, any

1       other territory or possession of the United States,  
2       and any Indian tribe.

3           “(7) TASK FORCE.—The term ‘Task Force’  
4       means the Inter-Agency Task Force established by  
5       section 603(a).

6           “(8) UNDER SECRETARY.—The term ‘Under  
7       Secretary’ means the Under Secretary of Commerce  
8       for Oceans and Atmosphere.

9           “(9) UNITED STATES COASTAL WATERS.—The  
10      term ‘United States coastal waters’ includes the  
11      Great Lakes.”.

12      (b) CONFORMING AMENDMENT.—Section 603(a) is  
13      amended by striking “(hereinafter referred to as the ‘Task  
14      Force’)”.

15      **SEC. 13. APPLICATION WITH OTHER LAWS.**

16      The Act is amended by adding after section 606 the  
17      following:

18      **“SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.**

19      “Nothing in this title supersedes or limits the author-  
20      ity of any agency to carry out its responsibilities and mis-  
21      sions under other laws.”.

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